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the current exploration of outer space, and that it will ultimately require a national effort on a comparable scale.

Our oceanographic programs are dramatic, they have captured the imagination of the public, foreign and domestic. To say the least, they are interesting, to you and to all engineers and scientists.

I urge you to keep informed on these programs and national developments in oceanography and to prepare to work with us on the important and fascinating problems in this exciting field. It should be clear that while the Navy will lead in ocean technology, it will really be a national effort, a corporate endeavor: science, industry, and the Navy.

In summary, the PSAC oceanography report recommends that the Nation's oceanographic activities be supported by the Navy "in discharging its mission of national security through its laboratories and industry and through the Office of Naval Research support of civilian institutions, as well as by its supporting role in the development of undersea technology and provision of national test facilities."

In the civilian sector the report deals at length with the role of oceanography in facilitating the underwater recovery of oil and minerals, in providing fish protein and technology for a protein-starved world and with many other subjects such as water pollution, conversion of salt water to fresh, the role of the oceans in world weather.

The specific recommendations assigned the highest priority in the civilian sector to its development of food resources and the development of the capability for environmental prediction. The development of coastal regions for recreation and commerce were assigned a very high priority and the development of a modern hydrographic survey technology was assigned a high priority.

The establishment of Marine Study Centers, marine wilderness preserves, deep sea and tropical laboratories and facilities for specialized marine studies, and a national center for collection, maintenance, and distribution of living marine organisms are recommended in the report.

Since oceanography has progressed rapidly and many clearly identifiable problems exist the report recommends a shift away from broad ocean surveys to solutions of specific problems. The need for oceanographers to evolve some fairly elaborate measuring arrays, with limited regions heavily instrumented, led to the recommendation for a step-by-step buoy program.

In discussing oceanographic research the report recommends that oceanographic research ships be separately funded as a block, and be grouped generally into regional fleets of reasonable size.

The major organizational recommendation would combine the Environmental Sciences Services Administration, Geological Survey, Bureau of Commercial Fisheries, and oceanographic activities of the Coast Guard and the Bureau of Mines in a single agency. This new agency would support the national effort by management of environment and ocean resources and providing description and prediction services through a balanced program of direct participation and support of industry and universities.

At the request of the President, each federal agency is considering the recommendations contained in "Effective Use of the Sea." The IGO is now in the process of examining the implications of these recommendations and the Vice President regards the analysis of the PSAC report as one of his Council's priority assignments, and expects to utilize the next Council meeting for this purpose. In his charge to the Vice President, the President requested the National Marine Council to carefully study the many recommendations of the report and to consider these proposals in developing suggestions for the President for fiscal year 1968.

At this time I can speak only for the Navy. Budgets permitting, the Navy intends to follow its recommendations. In the field of oceanography we feel an obligation to the entire nation. Almost every bit of oceanographic information gathered is not only of use to the Navy, but also to others in the oceanographic community. For instance, the work we do on sonar can be used to develop methods for studying the migratory habits of fish.

It is obvious that while pursuing military objectives, the Navy has an obligation to the national interest in ocean technology. We would like to see Navy dollars do double duty in supporting the civilian sector. In addition, the Navy accepts the responsibility for helping to develop the national undersea technology needed for effective use of the sea in the military, economic, social, and political sense. This, again, must be a corporate venture: a science-industry-Navy team.

To be certain that the Navy's portion of the National Oceanographic Program budget is carefully and wisely invested, the Secretary of the Navy and the Chief of Naval Operations have completed taking another long, hard look at the entire Navy Oceanographic Program. They have thought in terms of a more centralized authority to give even a better focus to the entire Navy program in oceanography and related efforts.

The Secretary of the Navy, the Honorable Paul Nitze, has recently taken an action that will not only strengthen the Navy's oceanographic program but increase the Navy's ability to cooperate with all other agencies involved in our national oceanographic effort.

Effective immediately, the Secretary has established a new Office of the Oceanographer of the Navy and invested it with the necessary expanded authority to provide centralized direction of all of the Navy's oceanographic activities.

The new office will be headed by Rear Admiral O. D. Waters, Jr., who has been serving in the more limited position previously designated as Oceanographer of the Navy and also as Commander of the U.S. Naval Oceanographic Office.

Since the Secretary's instruction is not long and since it is written in the plain English for which he is noted, I will quote it to you in its entirety:

"This instruction defines the Naval Oceanographic Program, establishes an Office of the Oceanographer of the Navy, and prescribes the mission of the Oceanographer of the Navy.

"The Naval Oceanographic Program encompasses that body of science, technology, engineering, operations, and the personnel and facilities associated with each, which is essential primarily to explore and to lay the basis for exploitation of the ocean and its boundaries for Naval applications to enhance security and support other national objectives.

"The mission of the Oceanographer of the Navy is to act as the Naval Oceanographic Program Director for the Chief of Naval Operations, under the policy direction of the Secretary of the Navy, through the Assistant Secretary of the Navy (Research and Development), and to exercise centralized authority, direction and control, including control of resources, in order to insure an integrated and effective Naval Oceanographic Program.

"In carrying out his assigned responsibilities, the Oceanographer of the Navy is authorized to issue directives, management plans, requirements, tasks, instructions, and to allocate resources for the Secretary of the Navy and the Chief of Naval Operations.

"The Chief of Naval Research is assigned additional responsibility as Assistant Oceanographer of the Navy for Ocean Science.

"The Chief of Naval Material, with approval of CNO, has assigned the Deputy Chief

of Naval Material (Development) additional responsibility as Assistant Oceanographer of the Navy for Ocean Engineering and Development.

"With the approval of the CNO, the Oceanographer of the Navy will designate an Assistant Oceanographer of the Navy for Oceanographic Operations. Pending this designation, the relationships of the Oceanographer of the Navy and the U.S. Naval Oceanographic Office remain as at present.

"The Oceanographer of the Navy shall budget, justify, and administer all funds allocated to the Naval Oceanographic Programs as required for implementation of the program; shall insure that adequate funds are budgeted by activities of the Navy Department for support of the program; and shall develop and maintain a comprehensive budget documented for presentation to higher executive authorities and Congressional Committees.

"All national facilities, centers, and missions of the National Oceanographic Program assigned to the Department of the Navy will be managed and administered by the Oceanographer of the Navy.

"The Office of the Oceanographer of the Navy is hereby established directly under the Chief of Naval Operations.

"The Oceanographer of the Navy, under the Chief of Naval Operations, shall command the Office of the Oceanographer of the Navy.

"The Chief of Naval Operations shall issue the necessary directives to implement the provisions of this instruction."

That is the end of the Secretary's instruction. Its unequivocal language leaves no doubt that the Navy views its work in oceanography as a major portion of its effort to maintain the defense of the nation at sea, and that it is organizing its resources to make a major contribution to the national effort; a team effort among the academic community, industry, State and federal agencies sharing the responsibility to work together under the leadership of the President and Vice President of the United States.

NO ALTERNATIVE TO VICTORY IN VIETNAM

Mr. McGEE. Mr. President, Howard K. Smith, in his column published in the Evening Star for Monday, August 29, has simply stated why the United States must and will push on to achieve its objectives in Vietnam. There is no alternative.

There being no alternative, as Mr. Smith points out so well, the United States must adjust itself to the long, long haul. For this is not a victory to be won overnight, as we have learned.

Mr. President, as Howard K. Smith has written, this is really a nation-building effort disguised as a war. And our prospects for success are good. These observations should be widely spread, Mr. President.

I ask unanimous consent that the column, entitled "Price of U.S. Defeat in Vietnam," written by Howard K. Smith, be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

PRICE OF U.S. DEFEAT IN VIETNAM TOO COSTLY
(By Howard K. Smith)

We shall win the war in Viet Nam—that is, attain our oft-stated objectives. We shall do so for the simple reason that there is no alternative.

If we should lose and withdraw, or negotiate an empty agreement, every little band of politicians unable to win by consent in Latin America would acquire itself a Cuban ad-

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Fleet, Commander Anti-Submarine Warfare Force Pacific, Commander Service Force Pacific, Commander Submarine Force Pacific, Commander Fleet Marine Force Pacific, and in the use of this magnificent island and harbor as a major Naval Base with its associated activities. The University of Hawaii, and the citizens of the state, have expressed their interest in becoming a major force in Marine Science and technology and have begun to build strong facilities and capabilities to do so. Set in the midst of the ocean, and enjoying close ties with the Navy, this is a natural development for Hawaii, and one that the Navy and the Federal Oceanographic community hope to encourage. The University is already involved in Navy and other Federally-sponsored marine research in tsunamis, currents, seismic, magnetics, gravity, and acoustics, principally by AEC, NSF and Navy.

There is no doubt that Honolulu and the island state of Hawaii will play an expanding role in the scientific and technological conquest of the sea.

It is customary in discussing oceanography to point out, first, its vital importance to our national defense, a fact which certainly cannot be exaggerated, and second, to catalog the fabulous wealth that lies in the sea—wealth in the form of minerals and chemicals that will soon be in short supply on land and wealth in the form of food and fresh water for an already protein-starved and water-starved world.

Because these facts are known to most of you here, I will not elaborate on them.

Instead I would like to take a few minutes to invite your attention to very recent developments which will have a profound and almost immediate effect on the whole field of oceanography, both military and non-military.

The first is the Marine Resources and Engineering Development Act of 1966 which President Johnson signed into law on the 17th of June.

We are fortunate in having in the Congress at this point in our history a number of perceptive congressmen who have taken the time to make a thorough study of oceanography and its importance to the national welfare. This law is the result of careful consideration and intelligent compromise on the part of these gentlemen.

Though the dollar expenditures will probably not be the same, this law will escalate the national oceanographic program to the same level of public interest and awareness as accrued to the space program from the National Space Act of 1958.

Oceanography is defined in many ways depending upon the individual discussing the subject. The law has adopted the broad view prevalent in Congress and in industry, that oceanography connotes far more than scientific study. In this law the term Marine Science is applied to oceanographic and scientific endeavors and discipline as well as engineering and technology in and with relation to the Marine environment (Marine environment including the oceans and the Great Lakes as well as their boundaries).

The law sets up a National Council on Marine Resource and Engineering Development to be headed by the Vice President of the United States and made up of cabinet members and agency heads with a major statutory interest in the field. I was privileged to attend the first meeting of this National Council less than two weeks ago.

It is certainly obvious to all of us who attended this first meeting that the Vice President has had a long standing personal interest in oceanography, and intends to devote whatever personal time is needed to carry out this aspect of his duties. I can assure you that this administration is taking the challenge of ocean exploration most seriously. Although the life of this national

council is limited to a period of about 22 months, it has a statutory set of purposes "to develop, encourage, and maintain a coordinated, comprehensive, and long range national program in marine sciences for the benefit of mankind." It is the policy of this administration to use the council as a policy-making body—to expand scientific understanding of the oceans, to accelerate the development of marine resources and to establish an engineering capability to realize the full potential of the oceans in contributing to our national security and well being.

The Act requires the council to prepare an annual report of the National Oceanographic Program for the President to transmit to the Congress. The report will describe Federal multi-agency programs, evaluate these activities, and will set forth recommended funding for all participating agencies during the succeeding fiscal year.

This Council's other responsibilities are:

a. To advise and assist the President in an annual review of Federal programs, surveys of such activities and steps to coordinate the activities of all agencies;

b. To develop long range policy studies of the potential benefits of the oceans to the U.S. economy, security, health and welfare, including a study explicitly aimed at international legal problems;

c. To evaluate and interpret the study report to be developed by the citizens' commission before it is transmitted to the President; and

d. To coordinate a program of international cooperation in work pursuant to marine science activities.

Dr. Ed Wenk was appointed by the President as the new executive secretary to the council and was sworn in by the Vice President at the first national council meeting. He will be the Vice President's righthand man for matters under the jurisdiction of the national council. Dr. Wenk was formerly Chief of Congress' Science Policy Research Staff and the Legislative Reference Service of the Library of Congress, and before that Executive Secretary of the Federal Council for Science and Technology. He has made major personal contributions to the design and engineering of deep submersibles.

The law further empowers the President to appoint a commission on marine sciences, engineering, and resources to be composed of 15 members from industry, universities and marine laboratories as well as the federal and state governments. This citizens' commission is given up to 18 months to study and to recommend to the President of the United States and Congress an overall plan for present and future needs. The President expects to announce appointments to this commission within the next few weeks.

As chairman of the Interagency Committee on Oceanography, I have been directed by Dr. Hornig, the President's Science Advisor and chairman of the Federal Council for Science and Technology, to cooperate in every manner with the national council.

In summary, we now have a national policy council on oceanography at the very highest level in government chaired by the Vice President of the United States. Under the umbrella of this council, the Interagency Committee on Oceanography will discharge its responsibilities and the staff of the ICO will completely support the work of the council. We hope that arrangements can be made so that the council can call on the citizens' commission, or its individual members and staff, as a group of experts in and out of government to act as advisers to this national council. Thus we will have everyone in the federal government engaged in oceanography pulling together under the policy direction of the Vice President to come up with recommendations to the President of the United States to carry out the statutory set of purposes under this new act.

Now, I don't want to second-guess the findings of a Commission that is yet to be appointed, and a policy council that has just met for the first time but I do think that a long shadow has been cast toward the future by the recent report of the Panel on Oceanography of the President's Science Advisory Committee.

The report is entitled "Effective Use of the Sea," and is available from the Superintendent of Documents at the Government Printing Office for 60 cents. You couldn't make a better investment—perhaps most of you have already made your investment. You don't have to agree with everything in it (and parenthetically, I have found no one who does) to realize that it is a significant report, which is going to affect the shape of things to come in oceanography.

The PSAC report defines oceanography as all "activities within the ocean that have significant scientific or technological content"—a definition in keeping with the broad popular meaning given to oceanography over the past few years.

The title "Effective Use of the Sea" comes from the recommendation that the national objective of our ocean program should be "effective use of the sea by man for all purposes currently considered for the terrestrial environment."

An attempt to answer the question "What is the proper role of the Federal government in oceanography?" is indicated by their statement that "division of effort among government, industry, and universities appropriate to land-based activities is advisable for the oceans and that the Federal Government should not preempt these activities to the extent it has, for example, in space."

Assigning highest priority to those efforts in oceanography that deal with national security, the report discusses the increasing need for the Navy to be prepared to defend the developing interest in all depths of the ocean, and to provide for the continuing projection of U.S. power on and under the oceans in an era of increasing sophistication in the use of the seas. This leads the report to recommend expansion of Navy capabilities which will permit operation anywhere within the oceans at any time. As you know, the Navy has underway a Deep Submergence Systems Project including Man-in-the-Sea. This report further asserts that this effort as presently constituted is insufficient if the Navy is to meet its goals in a reasonable time period.

The report recommends assignment of federal program responsibilities for Man-in-the-Sea and undersea technology to the Navy. Thoughts and plans are relatively inexpensive. To put them into effect costs money. As the result of a recent study which proposed a plan for the Navy's future role in undersea technology, the Navy has included a new line item in the FY 1968 budget request, entitled "Deep Ocean Technology."

I fully support the Chief of Naval Operations, (Admiral David McDonald) in his statement before Navy League that the Navy will require improved capabilities in its undersea strategic forces, anti-submarine warfare forces, as well as the ability to perform undersea search and recovery operations. Improvement of the Navy's capabilities in these areas depends largely on our national ability to discover and exploit new knowledge in ocean science and our success in developing new and relevant ocean technology.

We have seen a new horizon emerging, centering on our capability to engineer the oceans. We now face problems attendant upon our ability to explore the oceans, to exploit the oceans, and to occupy portions of the oceans' bottom.

I join the Secretary of the Navy, who for years has been convinced that the general area of ocean exploration and exploitation offers a challenge just as great as that posed by

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viser and have a go at a "War of Liberation." In half the countries of the world, the topical amusement would be going downtown to wreck the American embassy. That nearly happened in the period before we began seriously resisting in Viet Nam. After we began resisting, Ben Bella, Nkrumah and Sukarno lost power in succession and our embassies became their prosaic selves once again.

Nothing as epic as a decline or collapse of American power in the world would result from failure in Viet Nam. Instead, in the next serious engagement—say, in Thailand—an overwrought American opinion would insist on victory at any price. We would put not 300,000 but 3 million troops into combat. Gen. Westmoreland's promising career would end with a desk in the Pentagon, and the most uncompromising hawk would be called in to "bomb" them back into the Stone Age. Our politics would once again be poisoned as at the time of McCarthy.

These things simply cannot be allowed to happen. So we shall have to straighten out the real facts about guerrilla war and win.

Guerrilla wars are won by one thing, and that is attrition. Two tough entities grate against one another until the tougher rubs the other to pieces.

The idea that the side closest to the common people wins is a romantic notion. In fact, the side that wins is almost always the side that gets the most abundant help from a nearby foreign power. In the Napoleonic wars, only a British invasion enabled the Spanish guerrillas to be successful. In World War II, no guerrilla movement had much chance until abundant Allied aid and an Allied invasion of Europe became real prospects. After that war, the Greek Communist guerrillas flowered while Tito provided a flood of support and a ready refuge. But when he shut the border, they withered.

Ho Chi Minh would never have won in North Viet Nam had not China gone Communist next to him. He could not fight now but for a flood of help from outside: all his oil, all his trucks, all his aircraft and antiaircraft defense, and almost all his arms and ammunition come from other Communist nations. Though the fighting in South Viet Nam is not a simple invasion from the North, it could not last 12 months on a serious scale if North Viet Nam stopped sending men and material.

Well, the foreign country with power to make up for lack of proximity is the U.S. With our impressive native talent for improvisation—trying and failing until eventually we find the right way—we are making that power increasingly effective.

But it will take time and patience, which are not usually American virtues. We are adjusted to short-term results, to annual sessions of Congress, annual budgets and annual company reports. For this effort we have to adjust to the long, long haul.

We must learn to shrug off setbacks and disappointments, and even occasional disasters. The Communists have a 20-year head start in sinking their "infrastructure" into South Viet Nam, and we have only been seriously learning to root it out for about a year.

We shall have to keep in mind that our saturation reporting of our own problems, compared with a near blackout on information from the enemy, creates the false impression that only we have problems. In fact, what evidence there is suggests that the Communists' problems are much worse and are growing more so each month.

We need to keep clear the fact that this is really a job of nation-building disguised as a war. Despite the subtlety and difficulty of the mission the prospects are good. The people with whom we work are clever. Their country is rich and can grow anything in abundance. Both the Buddhist demonstrations of last summer, and the firmness with

which order was restored, are tokens of a crystallizing nation.

The raw materials are right and so are we. We could possibly talk ourselves into defeat, and a fraction of our intellectuals are giving it a hard try. But probably they shall not succeed. The easiest path is success, and in our usual halting way, we are moving along that path.

RAYMOND C. DOBSON, GRAND EXALTED RULER OF THE BENEVOLENT AND PROTECTIVE ORDER OF ELKS

Mr. YOUNG of North Dakota. Mr. President, on July 4 of this year at Dallas, Tex., a distinguished North Dakotan, Raymond C. Dobson, was elected grand exalted ruler of the Benevolent and Protective Order of Elks.

All North Dakotans are extremely proud of the honor bestowed upon Mr. Dobson and upon our State. Mr. Dobson, I know, will be an outstanding grand exalted ruler. He has been active in the affairs of the Elks for over 40 years.

Mr. President, the September issue of the Elks magazine contains a reprint of Grand Exalted Ruler Dobson's acceptance speech which I ask unanimous consent be inserted in the body of the CONGRESSIONAL RECORD as a part of my remarks. Grand Exalted Ruler Dobson's remarks, while primarily directed to those in attendance at the grand lodge convention, I believe merit the thoughtful consideration of all citizens.

Mr. President, Grand Exalted Ruler Dobson is a distinguished journalist. He serves as editor and publisher of the Minot Daily News published in Minot, N. Dak., an excellent and very aggressive daily newspaper of which he and his associates are justly proud.

Appearing in the same issue of the Elks magazine is an editorial entitled "Leader From North Dakota" which I ask unanimous consent to also have inserted in the CONGRESSIONAL RECORD as a part of my remarks. The high opinion of the grand exalted ruler as expressed in this editorial is shared by all North Dakotans and people everywhere who have come to know him.

There being no objection, the speech and editorial were ordered to be printed in the RECORD, as follows:

ACCEPTANCE SPEECH OF RAYMOND C. DOBSON
(Presented at the Grand Lodge Convention in Dallas following his election to office on July 4.)

Grand Exalted Ruler Bush, distinguished Past Grand Exalted Rulers, Grand Chaplain Msgr. Scott, officers and members of the Grand Lodge and my Brothers:

I sincerely thank you for the highest honor and recognition which can be bestowed on any member of this, the nation's greatest fraternal organization. I am indebted to you for the confidence shown in me, and I shall do my best in the coming year to justify the faith you have exhibited.

Please, at the outset pardon some personal references. This year, with this convention in Texas, has for me a special significance. It was 100 years ago on March 15, 1866, that one of my grandfathers was discharged from the Union Army at Brownsville, Texas. Believe it or not, as the late Mr. Ripley would have said, Grandfather was, after three years of Army service, a veteran at the ripe old age of 15 years.

I am grateful that permission was given my bride of 39 years to be present on this platform along with other relatives. They might not believe this could have happened to me, except for the fact they now are eyewitnesses.

You have been told I am a Protestant, Presbyterian, Mason and Shriner. My sponsor is a gentleman of Jewish descent. My nominator, as you know, is a Catholic gentleman of the cloth. No studied effort was made to have it this way—it just happened. And no where else except under the broad canopy of the brotherhood of the Elks would this take place.

Let's keep it that way! Always!

I sincerely thank Father Andrews for his kind words about me, and also Larry Moening from Owatonna, Minnesota, the state in which I was born, for coming here to make the seconding talk.

I am not certain, but after listening to them I suspect that both must have read what Mark Twain said about handling facts: distort them as the situation warrants.

It was the same Mark Twain who also wrote some words that I intend as Grand Exalted Ruler to live by: The higher we are placed, the more humbly we should walk.

I am thankful, too, to the good brothers of my home Lodge, Minot No. 1089, and all other Elks of North Dakota for their support; and likewise the Minot Elks Band and those cute youngsters, the majorettes, directed by Virginia Maupin.

I am the second man from North Dakota to be elected Grand Exalted Ruler. I am grateful to Past Grand Exalted Ruler Sam Stern, who despite illness came here to this convention to bear witness to the fact he is my sponsor. He and the other Past Grand Exalted Rulers who have been presented to you are dedicated and devoted Elks.

Someone has said that figures on occasions can be as dry as dust, but permit me to remind you of some facts always worthy of repetition. These distinguished gentlemen, the past Grand Exalted Rulers, have given a combined total of 264 years of their lives to leading and counseling the Grand Lodge of the Benevolent and Protective Order of Elks to the greatness it enjoys today. And this figure of 264 years does not include the years they spent in subordinate lodge work, as well as in Grand Lodge, before assuming the responsibilities of leadership as Grand Exalted Ruler.

I suggest each of us think of himself as being a stockholder in a great corporation—the Benevolent and Protective Order of Elks. And further that we think of the past Grand Exalted Rulers as constituting its board of directors. I say with all emphasis that we, the stockholders, are indeed most fortunate.

Perhaps this best explains why the Elks, who only two years hence will observe a century of existence, are growing and prospering, and giving no evidence of hardening of the arteries.

The records show I will be the 90th man to occupy the office of Grand Exalted Ruler in 98 years. And if you wonder why only 90 men in 98 years have been Grand Exalted Ruler, it is explained by the fact that in earlier days on occasions the leader would serve more than one term.

I am very conscious of the fact that I am following on the heels of a man, Leonard Bush, who has endeared himself to our membership nationally, and has contributed in large measure to growth and progress in the year now ending. I congratulate him for his achievements, and only hope I can come close to filling his spacious shoes.

The program which I have in mind for the coming year will be laid before the District Deputy Grand Exalted Rulers and State Association Presidents Tuesday noon, and before the Exalted rulers of the subordinate Lodges on Wednesday noon. I shall now only sketch what I have in mind.

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On membership I ask for an increase of at least 10 percent of the total at the beginning of the Lodge year.

In community service, let every subordinate Lodge seek out in its community some worthy cause or project for the betterment of all its citizens, which the Elks should undertake and carry to conclusion.

In youth activities, let the good work continue and be broadened, and we in great bounty will be satisfied that we truly are doers of good.

Every subordinate lodge should recognize in a tangible way the sacrifices being made by good and loyal Americans who by their valor on distant battlefields are making more secure this land and our lives. Such recognitions can take many forms, and suggestions intended to be helpful will be passed along.

I ask that each subordinate Lodge write a new record of achievement in contributions to the Elks National Foundation based on a minimum gift of \$1.00 per membership, with an objective of topping \$1,500,000.

Continue the successful Elk-of-the-Year program, and in larger Lodges consider choosing an Elk-of-the-Month so that more men deserving of recognition will be honored.

Acquaint yourselves with the opportunities that exist for older members to enjoy the fall or winter time of their lives at the Elks National Home at Bedford, Virginia.

Bear in mind that there is a demarcation line between good fellowship and abuse of sound judgment in club operations.

Continue, as so many subordinate Lodges have in recent years, to improve, rehabilitate or construct new Elks homes.

Give enthusiastic support to, and expand, the Major Projects programs being carried on in greater numbers every year by state associations.

All subordinate Lodges should take advantage of the opportunity afforded by the Elks magazine to record your good deeds and other newsworthy activities.

Two years is not too far ahead for us to start learning about what we should expect of ourselves in the waning days of a century of existence. Obviously, we can't drive into the future looking all the time in a rear vision mirror. We have moved from a kerosene lamp and gas mantle era to the space age. We cannot deny, looking today at a vibrant Elks organization, that those who have made it possible possessed an enduring philosophy of life that has enriched our own lives.

I can see more light than darkness in the Elks future, and obviously that is what others have visualized in the past. But intelligent effort continues to be needed.

I like the story about an administrator in Africa who rode out to inspect land that had been devastated by a storm. He came to a place where giant cedars had been uprooted and destroyed. He said to the official in charge of forestry: "You will have to plant some cedars here."

The official replied: "It takes 2,000 years to grow cedars the size these were. They don't even bear cones until they are 50 years old."

"Then," said the administrator, "we must plant them at once."

The objective now—at once—of the Elks should be to move beyond old accomplishments, while perpetuating the memory of them; to build a good present and prepare for a better future.

Our year of service ahead is a new one, with no accomplishments or mistakes in it as yet. Like the birth of every new day, it is a reprieve granted by the governor of time to his subjects. We must not squander the legacy of any moment!

I am mindful that this eventful day in my life, made so by your kindness, also is the birthdate of this nation—a nation in which run the bloodlines of many peoples.

It disturbs me, as I am sure it also does you, to look out upon this nation on its 190th anniversary. World peace hangs in precarious balance. Our enemies are unrelenting. They would destroy that birth certificate dated July 4, 1776.

We live with an awesome knowledge that what we choose to call one world might easily be triggered into a smoking, burning shambles of no world. And yet, sadly, the behavior of too many of our citizens gives evidence they don't appreciate that America is a citadel of freedom and a beacon of hope to the world.

I concede to all men the precious right of dissent. But I am much more impressed when it is tempered with common sense.

We see all too many misled and ill-informed citizens wasting their time in quixotic fashion, jousting with the windmills of absurdity. Good citizenship, such as we the Elks revere, is something more than a couple of cheers at a patriotic gathering. Democracy is something learned, not bestowed or legalized or seized. It demands of us, as Elks, participation, involvement, and contribution.

I say no, emphatically no, we're not going to be seduced by specious pleas into casting away what has been given us in this nation as an inheritance richer than pieces of gold. Those who would mislead us have no hammer for building but only a torch for destruction. It is not difficult to believe they were born with warped minds and never have nor never will gain a true sense of direction.

They are the type of whom that grand old warrior, Winston Churchill, was thinking when he so eloquently said: "Very often the eagles have been squalled down by the parrots."

I apologize to no one for my emotions when a lump comes to my throat as the flag passes by, and I place my hand over my heart. And did you ever notice, when you do that, that Old Glory waves back at you in appreciation?

Our Americanism program in the Elks must have greater emphasis in the year ahead.

A Good Elk is a volunteer—he needs no draft card to compel him to enroll in hard work and thought as we strive for what we know is best.

I intend to do my part.

I ask the same of you, my Brother Elks.

I always have looked upon my Elks membership card as a Distinguished Service Emblem because it enables each man who possesses one to be a participant in benevolence, something that had virtue when this Order was founded and has equal value today. It is something that will abide through all time.

We, by our interest in fellow human beings, have created an enviable image of the Benevolent and Protective Order of Elks to which all America bears witness. It serves as an asset to our Order in attracting new and desirable men to go before our altar and take the obligation. The future is ours with a responsibility to uplift this image in reverential respect.

I give you as a slogan for the coming year: Be Enthusiastic! Live and Help Live!

And as Elks let us live by these words: Closer America! Closer all peoples! Closer to our hearts and ideals. Closer to a world free of greed and suspicion. Closer! Closer in all of these things, by moving closer in fraternity to each other.

This is my wish, my goal, my prayer for the year ahead. And I want your helping hands to insure for all Elksdom in 1966-67 a new grandeur and the best kind of life and happiness.

[From the Elks Magazine]

LEADER FROM NORTH DAKOTA

The man whom the delegates to the Grand Lodge Convention in Dallas last July chose to serve as Grand Exalted Ruler is accustomed to leadership both in Elksdom and in

his profession. Raymond C. Dobson of Minot, N. D., Lodge No. 1089 became an Elk at approximately the same time that he started to work as a newspaperman, and in both careers he has compiled a distinguished record.

He became a cub reporter for the Minot Daily News when he was 19 years old and joined the Minot Elks Lodge as soon thereafter as he could, which was when he was 21. Today, as he has been for several years, he is editor and publisher of his newspaper, one of the country's best smaller dailies, and now chief executive of the fraternity to which he has devoted so much of his time, energy, and talents since he took the obligation in 1923.

Brother Dobson is the second North Dakotan to serve as Grand Exalted Ruler, the first having been Sam Stern of Fargo Lodge No. 260. This is a remarkable tribute to the caliber of Elksdom in North Dakota, when it is remembered that the 11 lodges have a total membership of 20,118.

It is worth noting that of the 11 North Dakota Lodges, 3 have a membership in excess of 3,000, there being only 25 lodges in the whole Order in that classification. In fact 8 of the 11 North Dakota lodges have a membership in excess of 1,000, and this in a state with a total population of less than 650,000. The state showed a membership gain this past year of nearly 8 percent against something under 2 percent for the Order. North Dakota Elksdom is in a very healthy condition, indeed.

Brother Dobson is not the first newspaper editor to head the Order of Elks. He is, in fact, the sixth. His predecessors were Howard R. Davis, who served in 1951-52, Charles E. Broughton, 1946-47, Robert W. Brown, 1905-06, Edwin A. Perry, 1883-84, and Thomas E. Garrett, 1880-82. There have been others whose careers included journalistic experience, among them Fred L. Bohn, 1956-57, Robert S. Barrett, 1944-45 and Floyd E. Thompson, 1932-33.

Elksdom's new leader is a man with a ready wit and high good humor. He also is capable of speaking bluntly and forcefully. How true it is, as he so clearly put it in his acceptance speech, that "Democracy is something learned, not bestowed or legalized or seized. It demands of us, as Elks, participation, involvement, and contribution."

Thoroughly seasoned in Elksdom and abundantly endowed by nature with the qualities of leadership, Brother Dobson also brings to his high office a personal commitment to the ideals and programs of this Order that is inspiring and refreshing. We look forward confidently to another year of achievement under North Dakota's Ray Dobson.

A NEWSMAN REPORTS FROM VIETNAM

Mr. MONRONEY. Mr. President, the most lively and understandable report I have heard on the Vietnam conflict recently came from Jim Lucas, Pulitzer prize-winning Scripps-Howard war correspondent and an Oklahoman.

Jim was born at Checotah, Okla., attended the University of Missouri, and worked on Muskogee and Tulsa newspapers before he joined the Marines in 1942. He was a combat correspondent covering battles at Tarawa, Guadalcanal, New Georgia, Russell Islands, Saipan, Tinian and Iwo Jima. His war activity brought both a Bronze Star and the National Headliners Award for best combat reporting.

Scripps-Howard has been sending him over the world ever since, and his news reports have won one prize after another—George Polk Memorial Award,

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two Ernie Pyle awards, the Omar Bradley Gold Medal, Korean National Medal, the Pulitzer Prize and awards of the Marine Corps Reserve Officers Association and the American Legion. He has two books to his credit and this month is introducing a new one, "Dateline: Vietnam."

Because I think Jim has something to say to all of us, I have had transcribed a recording of his speech at the National Press Club August 18, and I ask unanimous consent to have it inserted in the RECORD at this point.

There being no objection, the transcription was ordered to be printed in the RECORD, as follows:

DATELINE: VIETNAM

(By Jim Lucas, National Press Club, August 18)

I guess maybe we ought to start by defining some of our terms and one of the questions I've been asked on a few of the TV and radio programs I've been on (and I've been selling books for the last ten days) is, "Are you a dove or a hawk?" I guess I'd have to say I'm a hawk as I understand the term.

If it's a hawk to believe as I believe, that what we're doing out there is just and honorable and fair and something that has to be done—I'm a hawk. If it's to be a hawk to want to do whatever it takes to bring this thing to a successful conclusion and soon, I'm a hawk. If to be a hawk is to be bereft of compassion, to be unable to cry anymore, then I'm not a hawk. Maybe I'd say I'm a gentle hawk, if there is such a thing. I guess there is such a thing, because I know there is such a thing as a belligerent dove. I've seen some of those. Maybe I don't understand the term, because I think there is a third category we ought to introduce in here and we'll discuss them later, and that's the ostrich. He's also very much involved in this operation that we've got going out in Vietnam. So let's assume that I'm a hawk.

ALLIES WINNING—BUT TOO SLOWLY

Now the big question, of course, is how we're doing out there. I've found a great deal of discouragement since I've come home. Don Cosgrove was telling me as we sat here having lunch about a very distinguished military man who is not here today. He said, "I've heard all I want on Vietnam, I'm confused enough." I have found a great deal of confusion and disarray and this disturbs me, because to me, and I may be too close to the forest to see the trees, to me the issues of this thing are crystal clear.

How are we doing? I'm not discouraged. I hope I'm not a "Pollyanna." We're no longer losing. In the Delta, where George has been until recently, we have been consistently winning our war, and I believe we still are. In the central highlands around Pleiku where the VC not too long ago hoped—and had every reason to expect—they could cut Vietnam in two at the narrow waist, their ambitions there are no longer attainable, and they cannot be realized. Their goal to seize a capitol, a provincial capitol, and make it their rump capitol on Vietnamese soil; that's out of the question.

They're being hurt; they're being hurt very, very badly. We're no longer losing—we're a great deal more than just not losing. We're not winning as fast, however, as I'd like us to do and there is that extra effort that would enable us to. I hope we will, because this is a very serious struggle we're engaged in out there. It's very serious certainly to the men who are fighting it.

"WE HAVE TAKEN THE NIGHT AWAY"

Now up north, and I've spent the past eight months with my Marines (and I'm an

ex-Marine) up in the First Corps area, things look a lot better. We've taken the night away from them. And this is something that they find just inconceivable. They have always owned the night. When they helped the French in the War of the Viet Minh, the night was theirs. As soon as it got dark, the French retired to their little Beau Geste forts and stayed there until dawn came and the countryside belonged to the Viet Minh—they could do with it as they chose and this is when they operated. And initially—we got into this thing gradually, telling ourselves for a long time we weren't even there—initially they also owned the night, but now it's not theirs.

In the First Corps, the Marine area, we set a thousand ambushes and run five hundred patrols in a single night. We're out as much as they are and they know even when they're out they don't have that sense of freedom, of license, that they used to have. We've taken the night away from them and they tend increasingly, now, to stay in their forts and their caves and their holes at night because these damn Marines—you can't trust them. And to them, this is inconceivable. It's not cricket. It's not playing the game by the rules that they've always played it by. We've taken the night away from them, which I think is a tremendous reversal of the tide of war in that part of the world.

GUERRILLAS' BACKS BROKEN IN DA NANG AREA

We've broken the backs of the guerrillas in the Da Nang area and the guerrilla represents a tremendous investment to these people. It takes at least sixteen and sometimes as many as twenty and twenty-one years to train a guerrilla. He's a local boy; he's the tax collector; he's the propaganda agent; he's the enforcer; he's the assassin; he's the guy that disembowels the friendly province chief or the district chief, and when you kill one of those guys, this isn't just shooting a soldier, you've taken a tremendous investment in time and training and resources away from the Viet Cong. And in Da Nang, General Walt told me just before I came home, we have killed 2,500 guerrillas in less than a year. So much so that they're trying to replace these characters with guerrilla experts from the north.

The guy from the north, he's not a local boy, he doesn't know the area any better than we do. He doesn't know it as well as we do because we've been there longer. We have found the bodies of North Vietnamese guerrilla experts two and three days after they were killed—still where they fell. He has no friends there. This wouldn't happen to a local boy, a local guerrilla. His family would come get him and bury him. But these are strangers so they stay there.

MEN FROM NORTH STRANGERS

They're so disoriented, some of them (North Vietnamese), that they have actually wandered into our lines because they don't know where they are. This is how hard-put they are to replace their guerrillas in that part of the world.

Again, I don't want to be a "Pollyanna." But things are going very well for us in the military sense. I'm not kidding myself that there is going to be a military solution to this thing. If this were a war that we could, as we did in World War II, sweep in off the beaches and clear everything ahead of us, sure we could do it.

We're trying to fight a war in the midst of a civilian population which is essentially friendly and do this with a minimum of dislocation to the civilians and their economy. We don't always accomplish this but the incidents that do occur are reasonably rare. You can't avoid them all. But our people are under blanket instructions, instructions that actually endanger our lives and which have cost us lives, to avoid as much as possible the endangering of a friendly people.

This is a strange war we're fighting there. I suppose any war you're in is the worst one

because it is the one you're in. This is altogether different from World War II, altogether different from Korea where initially we did have this fluidity where there were no lines but which eventually settled itself down to more or less a conventional warfare.

JUNGLE MAKES FOR STRANGE WAR

Even when we've had a big operation as we did in Operation Hastings (and this was the last I was involved in before I came home), a big operation involving division-sized forces, you're still fighting small wars. Hastings was fought under one man, General English, but still fought in at least three separate pockets because you're fighting in jungle.

Even in Saigon they don't understand the jungle. They say go up in the mountains and get those people. Yes, go up there and get them. You ought to see that terrain. You can't see three feet on either side of you. You have to fight where you are and there is often no communication—physical communication—although there's always radio communication between units.

This is a very difficult war we're fighting. We're fighting it in the midst of a civilian population, a friendly population, trying to do as little damage to them as we can and we're fighting it often in the most impossible terrain.

MORE MANPOWER URGED

I'm convinced that with the infusion of more manpower, and I hope to God we get it (I think we will) we can bring those enclaves we hold, I'm speaking now essentially in terms of the First Corps area because this is where I've been for seven or eight months, we can bring Chu Lai, Da Nang, and Phu Bai together and make one big enclave.

We can even extend by bringing in more Army manpower down to Nha Trang and Qui Nhon and eventually we can push these people out of the Coastal Plains.

We can make Vietnam a viable nation economically and politically. We can push these people back into the mountains and let them have the highlands. Who cares? They can't live up there. They can't grow anything up there. Eventually they are going to have to come down for food and for medicine. And every time they do, we're going to clobber them.

They're hurting, and they're hurting badly. If these were a rational people, they would have recognized long ago that they cannot do what they set out to do.

If they were Russians, you know the history of the Russians, they put the pressure on in a half dozen spots throughout the past twenty years and when they found that they weren't going to push through, they weren't going to get what they set out to do, they were pragmatists, realists enough that they pulled back and pushed somewhere else.

ENEMY REQUIRES MORE CONVINCING

But these people are going to take a lot more convincing apparently than Russians or even Chinese. They know very little about the world in which they live and I think this is right, Mr. Ambassador, that they are mesmerized, hypnotized by Dien Bien Phu.

To them history begins and ends with Dien Bien Phu. That's where they whipped the French and they can do it again. Well, there ain't going to be another Dien Bien Phu. But they don't know that yet and they're going to take a lot more convincing.

It could conceivably be, and I think I said this the last time I was here, that there will be no formal end to this war any more than there was a formal beginning. This war, like Topsy, just "grows." All of a sudden there it was and we had a full-scale war on our hands.

WAR MAY WITHER ON VINE

It may very well be that as these people are hurt and hurt badly, that they'll pull back into the hills and eventually this war will just wither on the vine and sort of peter out to an unsuccessful and inconclusive conclu-

sion. That's not much to look forward to, but realistically, I think it's something to keep in mind.

Another question of considerable moment to our people back here is, "What about our men out there?" Well, like a lot of old folks my age, I have sometimes tended to become discouraged about the younger generation. Actually I think the only thing wrong with it is that I'm no longer a part of it. But I often thought that it was going to "hell in a wheelbarrow"—that it was hopeless. I know you probably tend to feel that way back here, particularly when you see some of the antics and the gyrations of the lunatic fringe of the younger generation, but it's been heartening to me to see these kids in action.

CITY BOYS "OWN" THE JUNGLE

These lads of ours, city boys, or boys from modern farms that even have TV and radio and electric lights, which they didn't have on farms when I was a kid, these kids have taken the jungle and made it their own—they own the jungle. I couldn't believe this happened but they don't like it; nobody likes it. There are snakes out there and this just scares the daylights out of me.

Our boys take this jungle and use it—they exploit it. It's a tool and a lot of these boys would rather fight in the jungle than out in the open because they know the jungle—they know what to do with it.

And they're much more at home in it than the North Vietnamese who are, to some extent, city boys too. They don't like the jungle, but our kids do.

I like being with troops. They are a wholesome bunch of young men. They rise to the occasion. Not all of them—we're dealing with human beings, but I think there is a challenge in it that these kids instinctively respond to.

When we first went out there, the North Vietnamese were accustomed to opening fire, ambushing and having the people being ambushed stalked. And we captured documents, which are very expressive, of their amazement when our boys charge—they just go at 'em. They're doing a whale of a job.

OUR BOYS WELL TRAINED

They are better trained than any soldiers we have ever sent into combat. This applies to the Army as well as the Marine Corps. They are better trained. They are every bit as good as my generation was and twice as smart.

They have weapons that I wouldn't begin to understand if they were explained to me every day, seven days a week, for six months at a time. I still wouldn't know what they were talking about. These kids are able to use them and use them well. Their morale is good, even when they take casualties, and that's the hardest part of it, of course. They go on fighting.

Howard K. Smith, I'm sure you know the story of his boy. Howard says, "He's 21 going on 50." And this is true of a lot of those youngsters out there.

I just want to bring back a report to you that they are doing a whale of a job and as long as this country can produce young men like that—men who rise to the occasion—who are capable of (for want of a better word) the heroics that these youngsters are, I don't think we have to worry too much about what lies ahead for us because the future of this country is in their hands and it's in good hands!

ENEMY WELL ARMED AND EQUIPPED

Now about the enemy. I'm not going to talk too long, I always say. I always do after I say it. I want to leave some time for questions. But what about the enemy? Well, he's good too. He's coming down across the parallel, down Ho Chi Minh Trail at the rate of 7,000 to 10,000 a month. He's coming down in division size. He's well armed. There are about 283,000 of them, I think, now

south of the border. He's got considerable stockpiles built up over the years south of the parallel.

I don't know how it is in the Delta. I assume we're still fighting the VC down there—but up in 1st Corps, in many areas, the VC has virtually disappeared as a fighting force—it is now a locked-on engagement between the North Vietnamese and the South Vietnamese and the Americans on the other side.

He's well armed. He's well equipped. But he's hungry in many cases. We have systematically—and this may appall some people—but as part of war we have systematically gone for his rice caches, his supplies, and he's hungry.

ENEMY HUNGRY, MISINFORMED

He lacks medicine and he is giving up in surprising numbers. Even his officers are coming in with their weapons. I don't want to over-emphasize that because he's still a very good fighting force. But he has got his problems. He is terrified of those weapons of ours which he does not have—our artillery and our air power, and our mobility, our helicopters.

He dares not light fires at night. He is afraid often to cook his rice—too often for his own comfort, I guess you would say. He has to live off of berries and that sort of thing.

He has been surprised to find since coming south that he's been lied to. He was told when he left Nam Dinh or Vinh or wherever he started out from that the people of the south were oppressed—living under a dictatorship—prepared immediately to welcome him as a liberator and the fall of the south was just a matter of days and he would be in on the kill.

But he finds that there's no such welcome waiting for him—that in all too many cases the people of the south don't want him around, that they know he spells trouble, bad trouble, and they inform on him. Now a year ago it would have been worth a farmer's life to be seen talking to an American or a government trooper. This isn't true today. Our intelligence has improved considerably.

INFORMERS HELP UNITED STATES

On Operation Hastings we knew when they started bringing that division across the parallel. We watched them. We let them get about 75% of their men and supplies across. That 25%, though, that they didn't get across was what they really needed and then we hit them. We couldn't have done that without the cooperation of a lot of people who kept us informed as to what was going on in that area.

The North Vietnamese are hungry, they're desperately hungry for a showcase victory. Perhaps if they got that victory—another Dien Bien Phu—they'd be willing to come to the conference table on their terms. They may have to come without it, because every time they start massing for one of these big pushes, we know it well enough in advance that we hit them before they're ready.

We got them in An Loc the other day again, and they had to go back across the border into Cambodia and if anybody tells you they are not using Cambodia as a sanctuary, I think Sgt. Mjr. Woolridge and I are positioned to say we know damned well they are because we've seen them coming both ways!

NOT DESPERATE ENOUGH TO GIVE UP

Not too long ago (Colonel Barton remembers this) we had a young officer down on the Delta, Capt. Towry from Georgetown, South Carolina. The last time we saw him, he had run out of ammunition. He was being pulled across the river, the Kai Kai River, into Cambodia with his hands in the air. Two days later we found his body back in South Viet-

nam by about 100 yards, he had been killed over there and thrown back.

I'm not at all impressed with correspondents who go over and take bushes behind which no VC is hiding and say this proves there are no VCs over there. But we clobber these people every time they begin to mass, and they're getting pretty desperate. But they're not desperate enough to give up and they're not desperate enough certainly for us to let our guard down, because they are a very significant fighting force.

They are well armed. They are well trained, and there's that hard-core fanatic in them that is not going to give up, regardless of what you do to him. Fortunately, and again this sounds awful bloodthirsty (and maybe I am, I don't know) that hard-core being fanatic is the bunch that always fights to the death so they're the ones that are being killed off at a faster rate than anybody else.

It's the fringe echelon and they go through several gradations of Viet Cong or Commie, that is most willing to give up. I don't know how it is now, George, but when I left down in the Delta we were accepting the surrender of an average of about a company of VC a month. And this is probably still true today. We brought about 400,000 people back under government control down there and the Delta looks mighty good.

SOUTH VIETNAM FORCES STILL IMPROVE

Finally, there is a question of what about the South Vietnamese. Well, I told you the last time I was here that they were a better fighting force then than when I went out in 1964. I can tell you that they are still improving. There are some mighty good units in the South Vietnamese army.

They need, above all, leadership. Leadership is not a commodity you produce over night. They are getting good leadership. The ranger battalions are as good, I'd say, as the U.S. Marines, almost anyhow, and that's about as high as I could go. The Vietnamese marines are top-flight. The paratroopers are good.

There are weak units. But the surprising thing to me is not that these people make mistakes—that they have weaknesses after being a nation so short a time under such adverse conditions. The interesting thing to me is that they keep trying—and they do try. You knock them down and they still get up again.

These people, and again I'm repeating what I said last time but it's still valid, these people are trying to do in one generation what we have done in this country in four or five.

MUST BUILD NATION, FIGHT TOO

They are trying to build a nation while fighting for their very existence. Either job would be a tremendous undertaking and they're trying to do both at once. The French left them nothing. They even, as I remember, took the light fixtures and the plumbing out of the National Palace when they left.

There are many Vietnamese, particularly in the rural areas, who simply want to be left alone. They are tired of war after twenty years. They want to be left alone to raise their rice and their children. They want to pay taxes to one side. And they will go with whichever side offers security and peace and increasingly it is our side that offers security and peace.

But there are enough Vietnamese for want of a better word again) intellectuals who have the dream, who know what they want to do with and for their country to make this effort of ours worthwhile.

One of the questions I'm asked is, "Do the Vietnamese really us there?" The answer to that has to be, "All things equal, no. We brought inflation. It's very hard for an Army officer or a civil servant or a person on a fixed salary to exist in Vietnam today

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because bringing in this influx of money and men, sure, we've caused inflation. And we have, to some extent, corrupted their youth.

MEN SHOW RESTRAINT

It's not surprising when you bring 300,000 healthy, young males in a country that has as many beautiful women as Vietnam has, that there is some fraternizing, and there is. We haven't corrupted them as much as we have a right to expect, really. Our men have shown considerable restraint and I give a lot of credit to General Westmoreland who does nothing but preach on this subject most of the time and whose preachings have gone home.

There is one magazine out there in English called "Vietnam Today" which actually complains that our men are too well behaved, that they don't think it's quite natural and they wish they'd let their hair down more. I don't know that this is quite true, but we have—we have upset things. And there's a clash in our culture.

The Vietnamese are a very proud people and they were a nation before we were thought of. And they're proud of being Vietnamese. Their literature and their history mean a great deal to them and they would rather we weren't there.

UNITED STATES STILL WANTED

I only talk to that small fraction of Vietnamese who speak English—I don't speak any Vietnamese. So admittedly my contacts are very restricted. But you'll sit down with one of them and they enumerate their complaints and they're frank with you.

You agree that these complaints are just and well-taken and then you say "Well, O.K., what do you want us to do? Leave?" Oh, my God no. Not until this thing is won. Not until we have a nation. Not until the enemy is away and no longer among us. And this is precisely what we want to do. This is why we're there.

I have no apologies to make for what we're doing in Vietnam. We are in Vietnam, and let's be fair with ourselves and with everybody, because our interests are engaged there. We're not there because we're fine fellows, really. We sometimes say that, but I don't think even we are fooled.

We're there because the interests of the free world, which we head, are engaged in Vietnam. But we are incidentally doing a very fine thing for a fine bunch of people who deserve a lot better break than they've gotten from history.

ALTERNATIVES IMMORAL

I'm not the least bit on the defensive about what we're doing in Vietnam. There's nothing immoral about what we're doing there and I have yet to hear any alternatives suggested which aren't immoral.

What are we going to do? Are we going to pull out and abandon the Catholics, the Cao-Dai, the Hoa-Hao, the five-hundred thousand men and their families and the army of South Vietnam, the civil servants, the intellectual communities, the Buddhists (a lot of the Buddhists are completely loyal), are we going to abandon these people who have voluntarily cast their lot with the West and with freedom?

I think the answer to that has to be "No." We can't afford to because we've got to live with ourselves. I've heard it suggested, "Why don't we pull back to the Philippines and make our stand there?" Do you think the Filipinos would ask us? Think they'd let us? Think they'd want us?

They would say, "Look, Buster, when we saw what you did to these little people, the Vietnamese, we know what your word means. We've got to live out here because, geographically, here's where we're anchored. But we'll make them deal with the only power that exists out here, Communist China, and you go back to Hawaii or San

Francisco and start digging your trenches and dig them deep because sure as shooting they're coming over after you."

WHAT ABOUT YOU BACK HERE?

Any argument about whether we should or should not be in Vietnam now is academic. We're there. This think can be brought to a successful conclusion.

We have got to give it that extra effort, and this brings me to a question I want to ask you all and then I'll shut up. What about you all back here? I'm not at all sure since I came home that this country still has what it takes to see this thing through.

I have been shocked and appalled since I came home to find that one of the things we're proudest of back here is that we're able to wage this kind of a war in which a hundred to a hundred-fifty fine young Americans are killed each week, every seven days, without dislocating the civilian economy.

Well, what's so damned wonderful about that? In my books, a civilian economy ought to be dislocated. This is a war in which apparently the only people to be disaccommodated are the youngsters who are dying. They're willing to put their lives on the line.

I have heard no valid reasons suggested back here for not backing them up—except that we're tired—we're weary—and we don't understand it.

THIS IS A SHOWDOWN—FREEDOM OR SLAVERY

The issues to me are crystal clear. This is a showdown, maybe not in the right place at the right time, but it's still a showdown between our side and theirs—between freedom and slavery, Democracy and Communism.

Sure we make mistakes and we show our mistakes on the front page. They make mistakes and nobody ever knows about it. Our mistakes we can correct. The Commies' are set in concrete.

I believe we're going to see this thing through. I hope we do, so we can continue to be proud to be Americans, but it may be that we don't and if we don't, they can take it. They can have this world and they will take it, and make it their kind of a world. I said this the last time and I'll say it again. If the Commies take it and if they make it their kind of a world, they can have it because I wouldn't want to live in it.

Thank you.

IS SPACE PROGRAM MORE IMPORTANT THAN OUR CHILDREN'S NOURISHMENT?

Mr. PROXMIRE. Mr. President, this year the administration's budget contained over \$1,200 million for Apollo spacecraft to be used in our moon program. This would merely cover the heavy development test and production activity for space modules in preparation for manned development flights on the Saturn 1B early next year and on the Saturn V a year later.

Yet this amount of money could permit \$120 million a year to be spent on the special milk program for 10 years. Today the program is being short-changed. It received only \$100 million in fiscal 1966. This has been increased to \$104 million by Congress for fiscal 1967 but even more is essential if we are to adequately provide for the needs of the Nation's schoolchildren. A minimum of \$110 million should be appropriated for fiscal 1967 simply to allow a Federal reimbursement rate under the program comparable to the rate provided in past years.

I intend to fight for such a \$6 million increase as supplemental appropriations legislation comes before the Senate. We must not be so hypnotized by the stars that we forget to take care of the problems our Nation faces here on the planet earth.

I do not oppose the space program on the Apollo moon shot. This year I introduced amendments to reduce some of the marginal programs sponsored by the space agency by cutting its spending back by a half a billion dollars.

Nevertheless, a comparison of the cost of the school milk program with one limited part of the space program puts the cost of this great health and nutrition effort in perspective.

A TRIBUTE TO SENATOR ROBERTSON

Mr. RUSSELL of Georgia. Mr. President, on Monday a signal tribute was paid to our beloved colleague and friend from Virginia, the Honorable A. WILLIS ROBERTSON, in recognition of his long and distinguished career as a Member of the Senate and the other body.

A group of his fellow Virginians, headed by Lt. Robert H. Guy, of Lynchburg, presented the Senator with an honorary life membership in the American Society of the Golden Horseshoe. The society is a patriotic, nonpartisan group of citizens founded by members of the American Legion and dedicated to the preservation of liberty as envisioned by our Founding Fathers.

The name of the Society of the Golden Horseshoe is derived from a significant event in the early development of colonial America, the discovery of the Shenandoah Valley of Virginia by Gov. Alexander Spotswood.

Accompanied by a small group of friends, Governor Spotswood in 1716 made an arduous trip from his home, "Germanna," on the banks of the Rapidan River to the Blue Ridge Mountains. The objective of the journey was to explore the area west of the mountains and to establish forts to protect the frontier from an anticipated invasion by the French and hostile Indians. September 1 will mark the 250th anniversary of Governor Spotswood's discovery of the beautiful Valley of the Shenandoah which lies between the Blue Ridge and the Alleghenies.

CORRECTION OF THE RECORD

Mr. BYRD of West Virginia. Mr. President, the conference report on the military construction authorization bill, fiscal year 1967, at it appeared on page 19543 of the CONGRESSIONAL RECORD, listed among the managers on the part of the Senate, the distinguished junior Senator from the State of Virginia, HARRY F. BYRD, JR. This was an error, inasmuch as it was I to whom the Record had reference. Had the error appeared in the Senate section of the CONGRESSIONAL RECORD, I would have asked unanimous consent to have the permanent Record show the necessary correction. However, the error appeared in the

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House section of the RECORD. Consequently, I have talked with Mr. Lewis Deschler, House Parliamentarian, and he has assured me that the permanent RECORD will be corrected to show the name of ROBERT C. BYRD of West Virginia, rather than the name of the Virginia Senator, as a manager on the part of the Senate.

I make this statement today to show that the permanent RECORD will be corrected to delete the error which appeared on page 19543 of the CONGRESSIONAL RECORD of August 24, 1966.

Upon his return to Williamsburg, Governor Spotswood established an order called the Knights of the Golden Horseshoe and presented a Golden Horseshoe to each member of the party who made the trek to the Shenandoah. Today, the American Society of the Golden Horseshoe continues the tradition established by Governor Spotswood and presents those it honors with a horseshoe as an emblem of membership. Accordingly, the Senator from Virginia received the symbolic horseshoe when he was made an honorary member on Monday.

Mr. President, I know that every Member of the Senate joins me in extending congratulations to the Senator from Virginia on this honor. I ask unanimous consent to insert in the RECORD at this point in my remarks a statement by Lieutenant Guy on the presentation to Senator ROBERTSON.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

We have assembled here this afternoon, not only to award a distinguished Life Membership Card, and the unique emblem of the American Society of the Golden Horseshoe, but also to pay tribute to a staunch Virginia Statesman, and a great American patriot, who has served his great state and nation with unusual honor and distinction in both Houses of the United States Congress for more than a third of a century.

Senator ROBERTSON was elected to his seat in the House of Representatives in 1933, facing one of the most critical economic crises this nation has endured. During those critical depression years, and until the present day, Senator ROBERTSON has never faltered in assuming the responsibilities of his office as they arose, nor has he tried to escape any task.

Many of us who have followed his Congressional career, recognize restraint, honesty of purpose, integrity, ingenuity and courage as his inherent characteristics. These assets have contributed much to his influence among his colleagues as well as to his numerous achievements during his long and colorful political career.

I would like to remind the Honorable Senator from Virginia that we recognize among his many admirable traits, that he exercises implicit faith in God and humanity, coordinated with his ever abiding faith in the Constitutions of his state and nation, and the cautious deliberation he has exercised in making decisions on vital issues of a controversial nature and their consequential effect on all facets of our national social and economic life.

In the numerous capacities in which he has served his state and nation in the Legislative Department of our Government he has distinguished himself, with outstanding accomplishments, and a dedicated service of the highest quality, which accounts for his tremendous influence and the high esteem of his colleagues, with whom he has had the

honor of serving for a longer period of years than the majority of legislators throughout the history of our great Republic.

Before presenting this distinguished award to Senator ROBERTSON, and for the information of those who are not too well acquainted with the basic philosophy and the inherent tenets and objectives of the American Society of the Golden Horseshoe, I would like to emphasize that its preamble is the Constitution of the United States; that it is a national, non-profit, non-partisan organization, comprising an official staff and membership of patriotic and dedicated Americans who believe implicitly in the preservation of the cardinal virtues of freedom that found their way into our nation's most sacred historical libertarian documents: The Declaration of Independence; The Constitution of the United States; buttressed by its Bill of Rights, and the administration of our republican form of Government as it was established and envisioned by our Founding Fathers.

This distinguished award to Senator ROBERTSON is appropriate in many ways. One of his ancestors was in the Governor Spotswood party that discovered the Valley of Virginia and whose expedition was later symbolized by a golden horseshoe. The former home on the Rapidan of Governor Spotswood, called "Germanna," was once owned by Senator ROBERTSON's grandfather.

With all of these things in mind and the courageous and effective political career of a great American Statesman, it is indeed an honored privilege and indeed, a great pleasure for me, as Virginia Divisional President representing the constituents and the official staff of the American Society of the Golden Horseshoe, to present to you, Senator ROBERTSON, this distinguished award, a Life Membership Card, and the emblem of our Society.

The presentation of this award, Senator ROBERTSON, indicates our high regard for you and our deep gratitude and appreciation of your outstanding performance and accomplishments as a noble and patriotic Virginia Statesman and legislator, and while we regret your forthcoming retirement from the United States Senate, we sincerely trust that in retirement you shall find great pleasure in reviewing the fruits of your labors as one of the nation's leading and esteemed legislators. We also hope that you shall be privileged to enjoy to the fullest extent the many facets of your home life, and the out-of-doors sports that you have been denied during the third of a century you have courageously served your state and nation in the distinguished Chambers of the United States Congress. We pray God's blessings will be bestowed upon you and inspire and preserve you for many years to come.

DEATH OF CHARLES L. WATKINS, PARLIAMENTARIAN EMERITUS OF THE SENATE

Mr. THURMOND. Mr. President, I join with my many colleagues in the Senate in expressing my condolences to the family of Mr. Charles L. Watkins, who passed away on Monday of this week.

Those of us who were fortunate enough to serve in the Senate during the time that Mr. Watkins served as the Parliamentarian of the Senate feel a deep loss on his passing. Mr. Watkins was the first official Parliamentarian the Senate ever had, and he set an example of ability, decorum, and dedication that I trust will long be followed by his successors. All of us had occasion to rely upon his knowledge of the Senate rules and his expert advice in seeking a solution to

some knotty parliamentary problems. Mr. Watkins' advice and counsel was always unstintingly given to all Senators and their staffs without partiality or favor to any particular political point of view.

His courteous Christian conduct earned him the friendship of everyone with whom he came in contact during his long tenure in the Senate. He approached his job with the devotion and dedication that comes from an innate sense of responsibility. He contributed inculcably to the traditions and heritage of the Senate as the most deliberative parliamentary body in the world, and his compilation of Senate precedents is equalled only by Jefferson's manual.

PRAYER IN PUBLIC SCHOOLS

Mr. BAYH. Mr. President I ask unanimous consent, as I have for the past several days, to place in the RECORD the prepared testimony of witnesses who appeared before the Constitutional Amendments Subcommittee on the question of prayer in public schools.

For those who may have missed the previous insertions they are as follows: August 23, 24, 25, 26, 29 and 30. They may be found on the following pages of the RECORD: 19427, 19594, 19612, 19706, 19708, 19985, 20205 and 20284 respectively.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT TO THE SENATE SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS BY THE REVEREND C. STANLEY LOWELL, ASSOCIATE DIRECTOR, PROTESTANTS AND OTHER AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE, AUGUST 8, 1966

Any study conducted by the Congress in the area with which the First Amendment is concerned should offer an occasion for the celebration of the Amendment itself. We do well to recall that the First Amendment, dealing with freedom of religion, is but one of ten amendments which cover many of the basic rights of man. This year marks the 175th anniversary of the Bill of Rights and we appropriately mark the blessings of this immortal document.

The first of these amendments guarantees the free exercise of religion and this freedom our people and our churches have enjoyed for a century and a half. The vitality of the religious enterprise in this country indicates that we have taken full advantage of this freedom.

Basic to the free exercise of religion is the freedom to pray. Indeed, this is the fundamental freedom which the First Amendment in its present form patently bestows. The right of all our people to pray in their own way is guaranteed to them and government is forbidden to make any law prohibiting this. Congress can make no law—nor, as a result of the Fourteenth Amendment—can any state or official body among us make a law, which prohibits the free exercise of religion. The right of our people to pray in their own way, as and when they wish, could only be withdrawn by legislation enabled as a result of an amendment to the Federal Constitution.

We should be very clear that no decision of the Supreme Court has destroyed or outlawed anyone's freedom to pray. All the Supreme Court sought to do was to prohibit government from requiring religious exercises in the public schools. Since the right of the people to pray has not been

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CONGRESSIONAL RECORD — APPENDIX

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U.S. Search for Peace in Vietnam

EXTENSION OF REMARKS

OF

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 31, 1966

Mrs. KELLY. Mr. Speaker, we who hold elective office are mindful of the deep concern and even anguish that exists among the American people over our involvement in Vietnam. There are some who loudly assert that the United States is bellicose and preoccupied only with the military conquest of a distant Asian country. What they choose to ignore are the persistent efforts made by our Government to enter into negotiations with Communist North Vietnam. Many of these efforts have been publicized in the press and are readily available to anyone who is seriously interested in bringing a degree of objectivity to a serious public issue.

It occurred to me that it would be desirable for public enlightenment to have readily at hand a chronology of the initiative taken by the United States in its quest for a peaceful settlement of the Vietnamese issue. Accordingly I wrote Secretary of State Dean Rusk for such a chronology. Under leave to extend my remarks, I am pleased to insert in the Record the reply I received from Assistant Secretary of State MacArthur, together with the list supplied by the Department. Members will find it not only informative but persuasive.

The material follows:

DEPARTMENT OF STATE,
Washington, August 26, 1966.

HON. EDNA F. KELLY,
House of Representatives.

DEAR Mrs. KELLY: Secretary Rusk has asked me to reply to your letter of August 12, in which you ask about the number of requests for Viet-Nam peace negotiations which our Government had made in the past 4 years.

I am enclosing an illustrative chronology recently prepared in the Department. It lists efforts made by ourselves and others to engage Hanoi in negotiations over the last 4 years. The list is not exhaustive, but it catalogues the principal efforts made directly or through the United Nations.

We have not attempted to tabulate the number of peace requests which we have made. They are continuous, since we lose no opportunity to indicate our desire for negotiations or to scrutinize and to pursue the slightest indication of any interest in Hanoi, no matter how transitory. I can assure you that the number of such efforts, ranging from confidential diplomatic contacts to major public attempts to bring about negotiations, easily run into the hundreds.

I hope this information is useful to you. If I can be of further assistance, please do not hesitate to let me know.

Sincerely,

DOUGLAS MACARTHUR II,
Assistant Secretary for Congressional
Relations.

Enclosure: Document entitled "Negotiation Attempts on Viet-Nam."

NEGOTIATION ATTEMPTS ON VIETNAM

Since 1960, when North Viet-Nam sharply intensified its attempts to take over the government and people of South Viet-Nam

the United States and other governments have made numerous efforts to reach a peaceful settlement of the interrelated disputes in Southeast Asia. These efforts have been undertaken through various channels and over varying periods of time. Any one of these overtures or initiatives might have led to progress toward a peaceful settlement of the Viet-Nam conflict had they met with anything but rejection or silence in Hanoi and Peiping, or with prompt violation of such agreements as it was possible to reach.

July 1962: The United States participated in the Geneva Conference on Laos and accepted an agreement providing for the neutralization of that country. However, North Vietnamese combat troops remained in Laos in violation of the Agreement; this has not only menaced the security of Laos, but has facilitated the infiltration of North Vietnamese personnel into South Viet-Nam through Laos, also in violation of the Agreement.

May 1964: The UN Security Council considered a Cambodian complaint of South Vietnamese armed incursions into Cambodian territory. The United States and South Viet-Nam suggested the establishment of a UN-sponsored peacekeeping or observation group to stabilize conditions in the border area. A Mission of the Security Council visited Cambodia and South Viet-Nam and reported to the Council that such a group might well prove useful in this regard. Hanoi and Peiping condemned even this limited UN involvement in the Viet-Nam situation.

August 1964: The United States reported to the Security Council on the North Vietnamese torpedo boat attacks against US naval vessels in international waters and the defensive measures undertaken by the United States. The United States supported the Council's invitation to the Republic of Viet-Nam and the North Vietnamese authorities to furnish information to the Council relating to the United States' complaint. The Republic of Viet-Nam indicated its readiness to cooperate fully with Security Council. However, the North Vietnamese Foreign Minister replied on August 19 (S/5907) that the Viet-Nam problem was not within the competence of the Security Council and that his Government would be obliged to consider any decisions by the Council as "null and void."

February 20, 1965: The United Kingdom proposed to the Soviet Union that the British and Soviets undertake as Geneva Co-Chairmen to explore the basis of a possible Viet-Nam settlement with all the countries participating in the Geneva Conference. The United States supported this approach, but the Soviet Union was unwilling to cooperate in seeking the views of the parties concerned regarding grounds for a settlement.

April 1, 1965: Seventeen non-aligned nations delivered an appeal for a peaceful solution in Viet-Nam through negotiations without preconditions. The United States on April 8 replied welcoming this appeal and indicating our agreement with its principles. North Viet-Nam rejected it, characterizing as "inappropriate" any approach other than that based on its own preconditions, including the prior withdrawal of U.S. forces and acceptance of the program for South Viet-Nam of the Hanoi-dominated National Liberation Front.

April 7, 1965: Speaking in Baltimore President Johnson stated that the United States was prepared to enter into "unconditional discussions" with the other governments concerned in the Viet-Nam problem. The response from Hanoi and Peiping was to label this proposal as a "hoax" and a "big swindle."

April 1965: It was reported that the UN Secretary General U Thant might visit certain capitals, including Hanoi and Peiping to discuss the prospects for a peaceful settlement in Viet-Nam. The United States consistently has supported an active peacemaking

role by the Secretary General. However, the People's Daily, official organ of the Peiping regime, reiterated that "the Viet-Nam question has nothing to do with the United Nations * * * no meddling by the U.N. is called for nor will it be tolerated * * *." Hanoi stated that any approach tending to secure UN intervention in the Viet-Nam situation was "inappropriate."

April 1965: The British Government sent a distinguished statesman, Patrick Gordon-Walker, to visit interested countries and explore once again the basis for a settlement in Viet-Nam. Although he was able to visit a number of countries in Southeast Asia, Peiping and Hanoi declined to receive him.

April 1965: The Indian Government put forward a proposal for the cessation of hostilities by both sides, the policing of borders by an Afro-Asian patrol force, and the maintenance of present boundaries in Viet-Nam so long as the Vietnamese people desire. The United States received this proposal with interest and has discussed it with the Government of India. Hanoi and Peiping have rejected the proposal.

May 13-17, 1965: The United States suspended its bombing operations against North Viet-Nam. This suspension was made known to the other side to see if there might be a response in kind. Instead, this effort for peace was denounced in Hanoi as a "worn-out trick" and in Peiping as a "swindle." This harsh reaction was fully known before the air operations were resumed.

June 1965: The Canadian representative on the International Control Commission for Viet-Nam discussed the possibilities for peace with representatives of the North Vietnamese government in Hanoi. The Canadian Foreign Minister concluded as a result of these talks that his country's peace overtures had not gained the support of North Viet-Nam and Communist China.

June 1965: The Prime Ministers of the Commonwealth nations initiated a plan for a special Mission to visit the capitals of the countries involved to "explore the circumstances in which a conference might be held to end the fighting in Viet-Nam." The United States and South Viet-Nam immediately welcomed the Commonwealth initiative. Peiping's response was to call Prime Minister Wilson a "nitwit making trouble for himself"; Hanoi apparently rejected the proposed visit in a broadcast on July 1.

June 25, 1965: Speaking in San Francisco on the occasion of the 20th Anniversary of the signing of the UN Charter, President Johnson called upon members of the United Nations, "individually and collectively, to bring to the table those who seem determined to make war. We will support your efforts, as we support effective action by any agent or agency of these United Nations."

July 9-13, 1965: Mr. Harold Davies, a junior Minister of the British Government, visited Hanoi during this period to explore the willingness of the North Vietnamese government to receive the Commonwealth Mission referred to above. Prime Minister Wilson reported on July 15 that Mr. Davies was unable to obtain any agreement by Hanoi to receive a Commonwealth Mission and found a conviction among the North Vietnamese that their chances of victory were too imminent to induce them to forsake the battlefield for the conference table.

July 28, 1965: President Johnson, in a letter to UN Secretary General U Thant, reiterated his hope that "members of the UN, individually and collectively, will use their influence to bring to the negotiating table all governments involved in an attempt to halt all aggression and evolve a peaceful solution."

July 30, 1965: In a letter to the UN Security Council President, U.S. Ambassador Arthur Goldberg noted that responsibility to per-

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sist in the search for peace weighs especially upon the Members of the Security Council. Ambassador Goldberg continued that the United States stands ready, as in the past, to collaborate unconditionally with Members of the Security Council in the search for an acceptable formula to restore peace and security in Southeast Asia. The United States, he said, "hopes the Members of the Council somehow find the means to respond effectively to the challenge raised by the state of affairs" in that area.

August 2, 1965: The Indian Yugoslav communicate calling for a conference on Viet-Nam met with condemnation by NHAN DAN of the Tito-Shastri talks and a personal North Vietnamese attack on Tito.

August 4, 1965: A Nhan Dan commentary said President Johnson's approval to third party peace initiatives in Viet-Nam aimed at misleading an unwitting public; it denounced Tito and Shastri as "accomplices of the US, and said UN efforts to bring peace in Viet-Nam would fail.

August 24, 1965: British Labor Peer Lord Brockway said the North Vietnamese Ambassador in Moscow and the Front representative had told him withdrawal of US troops was not a pre-condition to negotiations. The two Vietnamese issued denials.

October 4, 1965: In interviews with Mainichi and a UAR press delegation, North Vietnamese Premier Pham Van Dong stated he had no intention of negotiating with the US under present circumstances.

November 4, 1965: Nhan Dan November 4 rejected Tito's call for a halt in US bombing of North Viet-Nam, implementation of the 1954 agreements and an invitation to the NFLSV to join talks.

November 17, 1965: Ho Chi Minh told eight American Nobel Prize winners who had written him soliciting his views on a Viet-Nam settlement that US declarations of its willingness to negotiate are "but deceitful talk" because US policy is "to negotiate from a position of strength . . ." He said the DRV four points represent the "most correct way to a peaceful settlement."

December 9, 1965: London proposed a 12 nation appeal to North Viet-Nam to stop the fighting and negotiate a peaceful settlement. North Viet-Nam rejected the proposal in a December 17 Foreign Ministry statement accusing the British of attempting to provide conditions for UN intervention in Viet-Nam.

December 18, 1965: A (North) Viet-Nam News Agency commentary on the La Pira-Fanfani negotiating initiative described as "sheer groundless fabrications" reports that Hanoi was putting out peace feelers and said the four points are the only basis for settlement of the Viet-Nam problem.

December 19, 1965: Nhan Dan and the North Vietnamese Army's Quan Doi Nhan Dan both carried editorials expressed determination to "frustrate the US peace talks scheme."

December 28, 1965: At Christmas, Pope Paul VI publicly appealed for a truce in Viet-Nam during the holiday season and efforts by all parties to move toward negotiations; he addressed a similar appeal to Hanoi through private channels. Ho Chi Minh replied with a message charging that US leaders "want war and not peace" and that talk about "unconditional negotiations" is a "maneuver to cover up" plans for further "war intensification and extension."

January, 1966: The US continued until January 31 the pause in bombing of North Viet-Nam initiated at Christmas, and dispatched Governors Harriman and Williams and Ambassador Goldberg on missions to seek diplomatic channels to Hanoi for negotiations and to explain the US position. Hanoi steadily debunked US peace efforts throughout this period and wound up rejecting them in a letter of January 24 from Ho Chi Minh to chiefs of state.

January 12, 1966: The North Vietnamese Army paper Quan Doi Nhan Dan declared that it was "absurd" that "other proposals" like the US fourteen points on Viet-Nam be discussed. If the US accepts the Geneva agreements, it should accept the DRV four points, which are their sum and substance, the paper said.

January 13, 1966: Following a meeting between Algeria's President Boumedienne and the NFLSV representative in Algiers, the official Algerian news agency reported that the NFLSV has rejected US peace offers made through intermediaries.

February 15, 1966: The North Vietnamese Ambassador in Cairo said Hanoi could not accept the Somali proposal for an Afro-Asian committee of good offices and a conference on Viet-Nam because its implementation amounted to interference in internal Viet-nam affairs.

March 21, 1966: The NFLSV spokesman in Algiers denied welcoming a March 9 peace appeal by U Thant, calling it a service to "US imperialism."

March 31, 1966: Vietnamese Workers Party First Secretary Le Duan told the 23rd Congress of the CPSU that the US is using "false diplomatic tricks" and "only paying lip service to peace."

April 7 and 8, 1966: The North Vietnamese organs Nhan Dan and Hoc Tap reiterated that the four points represent Hanoi's fundamental position, that they must be accepted in toto, and that they cannot be mixed up with the US fourteen points.

April 20, 1966: Takechiyo Matsuda, Japanese LDP member, stated Ho Chi Minh rejected his proposal to visit Hanoi in a private capacity to discuss peace prospects. He said the time was not right.

April 23, 1966: A Hanoi radio commentary described Senator MANSFIELD's April 18 proposal (that the US, Hanoi "elements in South Viet-Nam" meet at a peace conference in some Asian country) as a "fraudulent trick designed to deceive public opinion and to justify . . . war expansion." The White House and the Department of State had endorsed the Mansfield proposal.

May 5, 1966: An article in the Hanoi weekly "Viet-Nam Courier", noting White House endorsement of the Mansfield proposal, said the US has "put forward nothing new" and "does not want to negotiate at all."

June 14-22, 1966: Canada's Ambassador C. A. Ronning arrived in Hanoi June 14 to review North Viet-Nam's position on the Viet-Nam question. A Department of State spokesman announced June 22 that Ronning had found Hanoi's attitude the same as it was in Ho Chi Minh's January 24 letter. A June 22 commentary on the North Vietnamese paper Nhan Dan described recent US statements on American readiness for peace in Viet-Nam as efforts to deceive public opinion.

July 17, 1966: Ho Chi Minh, in a public address, denounced the US "peace talks swindle" and said there was no alternative to the North Vietnamese four and NFLSV five points.

July 19, 1966: Indian Prime Minister Indira Gandhi on July 7 made a detailed proposal for negotiations within the framework of the Geneva agreements and proposed a reconvening of the Geneva Conference. The North Vietnamese Army paper July 19 in an article signed "Commentator" offered a detailed rebuttal rejecting the main features proposal, though not mentioning it by name.

July 23, 1966: A Nhan Dan commentary declared that the DRV's four points comprise an indivisible whole and it said there is "no alternative" to the DRV and NFLSV four and five point positions. Suggestions for a reconvened Geneva conference, it declared, "do not deal with the basic problems."

A New U.S. Judicial System

EXTENSION OF REMARKS

OF

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 31, 1966

Mr. HUNGATE. Mr. Speaker, at the present time our Federal judicial system is somewhat akin to the weather—almost everyone criticizes it, but no one seems to do anything about it.

The important question of whether or not a right to appeal should exist whenever a State deprives a citizen of a constitutional right, is, I think, well considered in the article submitted herewith by a diligent Missouri lawyer, J. Ward Driscoll, writing for the Missouri Bar Journal under the title of "A New U.S. Judicial System":

A NEW U.S. JUDICIAL SYSTEM
(By J. Ward Driscoll, Clayton)

I.

Suppose a state deprives one of a right given in the United States Constitution.

Does one have the right to invoke the government of the United States and to enforce the United States Constitution against the state?

The Judiciary Act of 1925 in effect says that the answer is no—that one does not have such a right.

This writer believes the answer is yes—that such a right is given in the Constitution.

Art. III of the Constitution provides that "the judicial power shall extend to all cases, in law and equity, arising under this constitution . . ." and that the "judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish."

So, it seems elementary that if a state deprives one of a right given in the Constitution, that then one would have a case arising under the Constitution, and, since Art. III assures one that the judicial power of the United States extends to all such cases, that one would have the right to invoke the government of the United States and to enforce the Constitution against the state.

Why then is it that the Judiciary Act of 1925 says in effect that one does not have such a right?

This writer believes that it is a result of a misinterpretation of another paragraph of Art. III, to wit:

"In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations, as the Congress shall make."

This paragraph refers to which cases the Supreme Court will hear in the first instance and which cases it will hear on appeal. As is seen in the last sentence of the paragraph, Congress is given the authority to determine which cases will be heard on appeal in the Supreme Court.

Pursuant to this authority, Congress in 1789, the year the Constitution went into effect, provided that when the highest court of a state has ruled in a matter which involved the exercise of authority by the state on the ground that it was repugnant to the

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Constitution, the party could appeal directly to the Supreme Court.

This provision of the 1789 law remained in effect until changed by Congress in the Judiciary Acts of 1916 and 1925.

In an effort to limit the expanding number of appeals from the state courts to the Supreme Court and to effectuate the purposes of the 1916 Act, the Justices of the Supreme Court, under the leadership of Chief Justice Taft, prepared a bill and presented it to Congress.¹ Known as the Judges' Bill, it was passed by Congress in 1925 and is the law today.

This Judiciary Act of 1925 divided the constitutional cases involving the states into two categories—those cases where the state infringement of the Constitution is in the form of the state statute itself and those cases where the state infringement of the Constitution takes a different form.

As regards the first category, the act provides that a party still has his right of appeal from the highest state court to the Supreme Court.

As regards the second category, the act takes away one's right of appeal. In its place is substituted a proceeding by certiorari.

Certiorari means that it is completely discretionary on the part of the Supreme Court as to whether it will hear one's case or not. All one can do is to request the Supreme Court to hear the case. One no longer has the right to be heard. The Supreme Court might well agree that a state has deprived one of a right given in the Constitution, but still refuse to hear the case.

Congress has the authority to determine that a case need not be heard by the Supreme Court. But it is this writer's belief that Congress does not have the authority to determine that a case arising under the Constitution need not be heard by any court of the United States and that is exactly what Congress has done.

The judicial power extends to all cases arising under the Constitution. This judicial power is vested in the Supreme Court and in the inferior courts of the United States. Therefore, if one has a case arising under the Constitution, one is entitled to be heard by either the Supreme Court or one of the inferior courts of the United States. It is for Congress to determine which court will hear one's case.

Could Congress ordain and establish the state courts as the inferior courts of the United States?

In *Houston v. Moore*, 5 Wheat. 1, (1820), the Supreme Court ruled that the state courts could not be made the inferior courts of the U.S. and that Congress has no power to confer jurisdiction on any court not created by it.²

II

The following analogy might be helpful. Suppose a baseball game is going on.

The score is 1 to 0. The team that is losing is at bat in the last of the ninth inning. The bases are loaded and there are two out. The count is three balls and two strikes.

The pitcher winds up and throws. The batter doesn't swing. All eyes are on the umpire to see if the pitch was a ball or a strike.

Then a strange thing happens. The umpire announces that he is not going to call whether it was a ball or a strike, but he is going to let the pitcher call whether it was a ball or a strike.

The pitcher says it was a strike. The game is over. The pitcher's team is the winner.

What if one's child was the batter and the pitch was over his head?

How could one ever explain to him what

had happened? One would never be able to convince him that there was any fairness or sportsmanship connected with such a proceeding.

When a state takes away a right given in the Constitution and the Supreme Court refuses to hear the case and leaves the matter up to the state, it is similar to the umpire refusing to call the pitch and letting the pitcher call whether his own pitch was a ball or a strike.

III

Cases construing the constitutionality of the taking away of one's right to be heard would have to date from those two Judiciary Acts, but there seem to be none on the subject.

In reviewing cases prior to those acts it seems that there has always been at least one hearing in a court of the U.S., when the case came within one of the specified classes in the Constitution.

This is true of *Ex Parte McCordle*, 6 Wall. 318 and 7 Wall. 506, which is referred to as "the ultimate in sustaining Congressional power over the (Supreme) Court's appellate jurisdiction."

The jurisdiction of the Supreme Court was taken away, but there remained jurisdiction in the Circuit Court, where *McCordle* received a hearing.

Such cases as *Turner v. Bank of N. America*, 4 Dall. 8, and *Sheldon v. Still*, 8 How. 441, are cited as examples of Congressional power over the jurisdiction of the inferior courts.⁴

Denied trial in the inferior courts, the parties in these cases could have conceivably prosecuted their cases in the state courts and then appealed to the Supreme Court.

In *Cary v. Curtis*, 3 How. 245, it is stated that Congress by the Act of 1839 "has made the head of the Treasury Department the tribunal for the examination of claims for duties said to have been improperly paid." In 1962 in the *Glidden* case, 82 S. Ct. 1459, Justice Harlan refers to this case, 1. c. 1472, note 21:

"As for Bakelite, its reliance on *Cary v. Curtis* for the proposition that disputes over customs duties may be adjudged summarily without recourse to judicial proceedings, appears to have overlooked the care with which that decision specifically declined to rule whether all right of action might be taken away from a protestant, even going so far as to suggest several judicial remedies that might have been available."

There is, however, a question inherent in the line of cases, represented by *Cary v. Curtis*, namely—Can Congress create Art. I courts to take the place of Art. III courts?

It is seen that this question is basically the same as the question—Can Congress provide that no court of the U.S., created pursuant to Art. III,⁵ need hear a case arising under the Constitution?

The answer to both questions is no.

IV

The underlying concept of the powers of Congress seems to stem from a misinterpretation of Art. III, Sec. II, par. II, and in particular from the application of the word "exceptions."

The Supreme Court shall have appellate jurisdiction, both as to law and fact, with such "exceptions" and under such regulations as the Congress shall make.

The Federalist papers, Nos. 80 and 81, refer to this subject of "exceptions."

Federalist paper No. 80 discusses the classes of cases to which the judiciary authority of the U. S. is to extend:

"From this review of the particular powers of the federal judiciary, as marked out in the Constitution, it appears that they are all conformable to the principles which ought to have governed the structure of that department, and which were necessary to the

perfection of the system. If some partial inconveniences should appear to be connected with the incorporation of any of them into the plan, it ought to be recollected that the national legislature will have ample authority to make such 'exceptions' and to prescribe such regulations as will be calculated to obviate or remove those inconveniences."

A reading of No. 81 is necessary to ascertain the precise meaning of the above quotation from No. 80. In that quotation the word "inconveniences" appears twice.

Federalist paper No. 81 develops what those "inconveniences" are:

"We have seen that the original jurisdiction of the Supreme Court would be confined to two classes of causes, and those of a nature rarely to occur. In all the other cases of federal cognizance, the original jurisdiction would appertain to the inferior tribunals; and the Supreme Court would have nothing more than an appellate jurisdiction, with such 'exceptions' and under such 'regulations' as the Congress shall make."

"The propriety of this appellate jurisdiction has been scarcely called in question in regard to matter of law; but the clamors have been loud against it as applied to matters of fact."

"The following train of ideas may well be imagined to have influenced the convention in relation to this particular provision. The appellate jurisdiction of the Supreme Court (it might have been argued) will extend to causes determinable in different modes, some in the course of the common law, others in the course of the civil law. In the former, the revision of the law only will be, generally speaking, the proper province of the Supreme Court; in the latter, the re-examination of the fact is agreeable to usage, and in some cases, of which prize causes are an example, might be essential to the preservation of the public peace. It is therefore necessary that the appellate jurisdiction should, in certain cases, extend in the broadest sense to matters of fact. It will not answer to make an express exception of cases which shall have been originally tried by jury, because in the courts of some of the States all causes are tried in this mode; and such an exception would preclude the revision of matters of fact, as well where it might be proper, as where it might be improper. To avoid all inconveniences, it will be safest to declare generally, that the Supreme Court shall possess appellate jurisdiction both as to law and fact, and that this jurisdiction shall be subject to 'exceptions' and regulations as the national legislature may prescribe."

So, it is seen that these exceptions were intended as possible limitations on the review of facts and were not intended as a limitation on the review of law and were not intended to authorize Congress to provide that no court of the U. S. need hear a case arising under the Constitution.

Congress can constitutionally solve the problem of too many appeals from the state courts to the Supreme Court in cases arising under the Constitution by providing that the inferior courts, which Congress has created, shall hear the appeals from the state courts.

Federalist paper No. 82 is testimony that this solution is in accord with the Constitution: "And this being the case, I perceive at present no impediment to the establishment of an appeal from the State courts to the subordinate national tribunals; and many advantages attending the power of doing it may be imagined."

An appropriate summary of the case is contained in the same Federalist paper: "The evident aim of the plan of the convention is, that all the causes of the specified classes shall, for weighty public reasons, receive their

Footnotes at end of speech.